

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

REUBEN HENRY,)	
)	
Plaintiff,)	
)	Civil Action No. 10-189 Erie
v.)	
)	
DEPUTY SUPERINTENDENT)	
OVERMYER, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on August 5, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 69], filed on January 6, 2012, recommended that the motion for partial summary judgment filed by the Plaintiff [ECF No. 33] be denied. The parties were allowed fourteen (14) days from the date of service to file objections and no objections were filed. After de novo review of the documents in the case, together with the Report and Recommendations, the following order is entered:

AND NOW, this 26th day of January, 2012;

IT IS HEREBY ORDERED that the motion for partial summary judgment filed by the Plaintiff [ECF No. 33] is DENIED.

The Report and Recommendation of Magistrate Judge Baxter, filed on January 6, 2012 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge